



**OPEN SPACE ADVISORY BOARD**  
Wednesday, June 22, 2011, 1:30 P.M.  
8<sup>th</sup> Floor Conference Room  
City Hall Building, 2 Civic Center Plaza

**AGENDA**

1. **Meeting Called to Order**
2. **Call to the Public** (items not listed on the agenda)
3. **Discussion and Action**
  - a. Approval of Minutes: June 8, 2011
  - b. Changes to the Agenda
  - c. Review and comment on current subdivision applications, as indicated below:
    - (1) **SUSU11-00047:** Kern View Estates #2 -Being a replat of Lots 11A, 13A, 15A, 16A and a portion of 17A, Block 9, Mission Hills Addition and Tracts 4B and 4D, M.J. McKelligon Survey 270, City of El Paso, El Paso County, Texas  
  
LOCATION: East of Stanton Street and North of San Mateo Lane  
PROPERTY OWNER: Piedmont Group, LLL  
REPRESENTATIVE: CEA Group  
DISTRICT: 1  
APPLICATION TYPE: Resubdivision Combination  
STAFF CONTACT: Raul Garcia, (915) 541-4935, [garcia1@elpasotexas.gov](mailto:garcia1@elpasotexas.gov)
4. **Discussion and Action** on how funds and fees collected by the Municipal Drainage Utility System can be utilized and spent, to include whether funds can be used to manage underground water that becomes surface water.  
Contact: Lupe Cuellar, (915) 541-4702, City Attorney's Office
5. **Discussion and Action:** Items for Future Agendas
6. **Adjournment**

**Mayor**  
John F. Cook

**City Council**

District 1  
Ann Morgan Lilly

District 2  
Susannah M. Byrd

District 3  
Emma Acosta

District 4  
Carl L. Robinson

District 5  
Rachel Quintana

District 6  
Eddie Holguin Jr.

District 7  
Steve Ortega

District 8  
Beto O'Rourke

**City Manager**  
Joyce A. Wilson



### EXECUTIVE SESSION

The Open Space Advisory Board of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the items on this agenda, consistent with the terms of the Open Meetings Act. The Open Space Advisory Board will return to open session to take any final action.

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Posted this 16<sup>th</sup> day of June, 2011 at 10:00,

Basement Bulletin Board, City Hall, 2 Civic Center Plaza, by Armida Martinez, Planning and Economic Development





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## ADVISORY BOARD MINUTES

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Wednesday, June 8, 2011, 1:30 P.M.  
8<sup>th</sup> Floor Conference Room  
City Hall Building, 2 Civic Center Plaza

***Members Present: 7***

*Bill Addington, Robert Ardivino, Lois Balin, Richard L. Thomas, James H. Tolbert, Kevin von Finger, and Charlie S. Wakeem*

***Members Absent: 1***

*Luis Ruiz*

***Member Vacancies: 1***

***Planning and Engineering and Construction Management Staff:***

*Mathew McElroy, Deputy Director – Planning, David Coronado, Lead Planner; Melissa Granado, Senior Planner; Eddie Garcia, Lead Planner; Art Rubio, Senior Planner; Frank Delgado, Planner; Kevin Smith, Planner; Andrew Salloum, Planner; Martha Macias, Accessibility Specialist*

***Others Present:***

*Lupe Cuellar, Assistant City Attorney, Legal Department; Rudy Valdez, EPWU-PSB; Richard Garcia, Land Operations Manager, Parks and Recreation; Gonzalo Cedillos, EPWU-PSB StormWater; Kareem Dallo, Engineering Division Manager, Engineering & Construction Management; Michelle Padilla, Senior Planner, Department of Transportation; Sandra Hernandez, Planner, Department of Transportation; Carmen Arrieta-Candelaria, Financial Services CFO; Sal Alonzo, CSA Design Group; Georges Halloul, SLI-Engineering; Conrad Conde and Yvonne Curry, Conde, Inc.; Leo Betancourt, TxDOT; Katrina M. Martich, P.E., CPESC, citizen; Janea Renault, citizen*

**1. Meeting Called to Order**

*Chair Wakeem called the meeting to order at 1:31 p.m.*

**2. Call to the Public (items not listed on the agenda)**

*None*



3. **Discussion and Information:** Funding sources available for open space acquisition. Contact: Carmen Arrieta-Candelaria, (915) 541-4293, [arrietacx@elpasotexas.gov](mailto:arrietacx@elpasotexas.gov)

Ms. Carmen Arrieta-Candelaria distributed copies of her PowerPoint presentation "Funding Mechanisms for the Open Space Master Plan".

Recommended Funding Strategies – General Obligation Bonds (GOB)

Ms. Arrieta-Candelaria explained the Open Space Advisory Board could develop and submit a project, during the "call for projects" phase, to the project manager in charge of the GOB. The project would go through the Engineering and Construction Management review/cost estimate, public hearing, City Council obligation, etc., processes and ultimately; if approved by City Council, placed on the voter ballot. The approximate timeline, from start to finish, would be 18 months.

Recommended Funding Strategies – Grants

Point of Information – Mr. von Finger asked if Board Members could submit a list of parcels for acquisition, potential costs, etc., to Ms. Arrieta-Candelaria.

Ms. Arrieta-Candelaria would welcome that. She could make a funding determination then match funding with the need.

Recommended Funding Strategies – Land Trust

Chair Wakeem noted the city's only land trust received its first grant, \$80,000.00. He and Ms. Arrieta-Candelaria would schedule a meeting to discuss possible land acquisitions via land trust(s).

4. **Discussion and Action**

- a. Approval of Minutes: May 25, 2011

Chair Wakeem asked Board Members if there were any additions, corrections, or revisions.

PAGE 3 OF 8, LAST SENTENCE OF THE PAGE

Mr. Tolbert revised "**concaved**" to "**concrete**".

No further revisions from the Board.

**MOTION:**

*Motion made by Mr. Thomas, seconded by Mr. von Finger, and **UNANIMOUSLY CARRIED TO APPROVE THE MINUTES FOR MAY 25, 2011, AS AMENDED.***

**NOT PRESENT:** Ms. Balin and Mr. Ardovino



b. Changes to the Agenda

*None.*

c. Review and comment on current subdivision applications, as indicated below:

- (1)      **SUSU11-00041:**      Cimarron Sage Commercial Park – Being a portion of Tract 1A2, Nellie D. Mundy Survey 242, and Tract 1B5, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas
- LOCATION:                      East of Resler Drive South of Northern Pass Drive
- PROPERTY OWNER:      Hunt El Paso Investment, LTD
- REPRESENTATIVE:      CSA Design Group
- DISTRICT:                      1
- APPLICATION TYPE:      Minor
- STAFF CONTACT:      Kevin Smith, (915) 541-4903, [smithkw@elpasotexas.gov](mailto:smithkw@elpasotexas.gov)

Mr. Smith gave a PowerPoint presentation and explained the item is part of the Ranchos Las Lomas Land Study. This subdivision is located within the Hillside Development Area (HDA). The applicant is proposing two commercial sites. Staff has not received any adverse comments. **STAFF RECOMMENDS APPROVAL WITH THE CONDITION THAT CIMARRON SAGE UNIT ONE BE RECORDED PRIOR TO CIMARRON SAGE COMMERCIAL PARK IN ORDER TO PROVIDE AN ADDITIONAL POINT OF ACCESS.**

Mr. Sal Alonzo, CSA Design Group, noted the arroyos are FEMA recognized; 38A and 38B. The LOMR has been submitted; he believed the public had no objections to the LOMR. Additionally, the city will be receiving a revised map letter within the next seven to 10 days regarding the removal of a parcel.

Chair Wakeem asked if any members of the public wished to comment. There were none.

No further questions or comments from the Board.

**MOTION:**

*Motion made by Mr. von Finger, seconded by Mr. Thomas and **UNANIMOUSLY CARRIED TO APPROVE.***

(2) SUSU11-00042: Cimarron Sage Unit Three – Being a portion of Tracts 1 and 3A, Nellie D. Mundy Survey 242, and Tracts 1A, 1B4C, 1B5C and 1B5B2, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas

LOCATION: South of Artcraft Road and West of Northern Pass Drive

PROPERTY OWNER: Cimarron Hunt Communities, LLC

REPRESENTATIVE: CSA Design Group

DISTRICT: 1

APPLICATION TYPE: Major Preliminary

STAFF CONTACT: Frank Delgado, (915) 541-4238, [delgadofx@elpasotx.gov](mailto:delgadofx@elpasotx.gov)

Mr. Delgado gave a PowerPoint presentation and explained the property is approximately 20 acres in size and currently vacant. The applicant is proposing 70 single-family residential lots and one commercial lot. The proposed development complies with the Cimarron Sage Land Study approved by the City Plan Commission on March 10, 2011. Staff received no adverse comments. **PLANNING STAFF AND THE DCC (DEVELOPMENT COORDINATING COMMITTEE) RECOMMEND APPROVAL WITH THE FOLLOWING CONDITIONS:**

1. That the applicant comply with the condition, imposed by Ordinance 15672, passed by Council on January 3, 2004 *that a ten-foot (10') wide landscape buffer to include, but not limited to evergreen trees placed at fifteen (15) feet on center shall be required along the property line where abutting residential or apartment zoning district, This shall be in addition to the landscaping requirements of Section 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.*
2. That the instrument dedicating the offsite park, adjacent to the east of the proposed subdivision, be recorded prior to or concurrently with this subdivision in order to satisfy parkland dedication requirements.
3. That Cimarron Sage Unit One be recorded prior to or concurrently with Cimarron Sage Unit Three in order to provide connectivity to Canyon Wren Drive at its western end.

Mr. Addington wondered if there were any arroyo features within the 20 acres.

Mr. Dallo noted FEMA arroyos 38A and 38B were the same arroyos discussed previously (Cimarron Sage Commercial Park).

Mr. Sal Alonzo, CSA Design Group, concurred with Staff comments.

Chair Wakeem asked if any members of the public wished to comment. There were none.

No further questions or comments from the Board.

**MOTION:**

*Motion made by Mr. von Finger, seconded by Mr. Tolbert and CARRIED TO APPROVE WITH THE CONDITIONS STATED BY STAFF.*

**NAY:** Mr. Addington

Motion passed. (5-1)

d. Review and comment on current zoning applications, as indicated below:

- (1) **PZDS11-00008:** A portion of Lot 2, Block 2, Medano Heights Subdivision Replat "A", City of El Paso, El Paso County, Texas
- LOCATION:** 5700 North Desert Boulevard
- ZONING:** C-3/c (Commercial/condition)
- REQUEST:** Detailed Site Development Plan Review per Ordinance No. 16499
- PROPOSED USE:** Restaurant
- PROPERTY OWNER:** E. P. Summit Investments
- REPRESENTATIVE:** SLI Engineering Inc.
- DISTRICT:** 1
- STAFF CONTACT:** Andrew Salloum, (915) 541-4633, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

Mr. Salloum gave a PowerPoint presentation; Ms. Macias translated, and explained the property is 2.6 acres in size and zoned C-3/special contract. The proposed use is a 12,000 square foot restaurant. Additional conditions include:

1. 20 foot setback;
2. 20 foot landscape buffer;
3. Eight foot rock wall adjacent to residential areas

**PLANNING STAFF AND THE DCC (DEVELOPMENT COORDINATING COMMITTEE) RECOMMEND APPROVAL.**

Mr. Addington noted rocks used to build rock walls come from the mountain. He wondered if there were other buffer possibilities beside rock walls.

Mr. Georges Halloul, SLI-Engineering, had no comment.

Mr. Ardovino wondered if the park ponds could be landscaped.





**MOTION:**

*Motion made by Mr. Tolbert, seconded by Mr. von Finger and UNANIMOUSLY CARRIED TO APPROVE.*

**5. Discussion and Action:** Update on Resler and Interstate Highway 10 project.

Contact: Leo Betancourt, Texas Department of Transportation, [leo.betancourt@txdot.gov](mailto:leo.betancourt@txdot.gov)

Chair Wakeem explained Board Members have concerns regarding the arroyo above Keystone and ongoing excavation. It is the Board Members' understanding that the excavation is for a deceleration lane.

Mr. Betancourt responded there will be a left turn lane. The reason the developer opposed going west of there is because TxDOT asked the engineer to improve the culvert outlet, to add some stronger riprap to minimize the erosion.

Ms. Yvonne Curry, Conde, Inc., added explanation: Furthermore, the structure was overhanging the dirt and TxDOT was worried the structure would fail. We aided them in filling that soil back up and putting loose rock to stabilize the soil so it wouldn't wash out. That's all we did in the base.

Mr. Thomas asked what was going in the median.

Mr. Betancourt responded, where the ramps converge, there will be left turn lane and a traffic signal.

Ms. Curry noted the deceleration lane would not impact the lower area.

Mr. Addington questioned if a traffic study, for TxDOT, was done. In his opinion, the location of the traffic light will anger many drivers trying to get on the I-10.

Ms. Curry responded yes, probably 2006, maybe 2007. Mr. Ralph Martinez, Martinez Engineering, did a traffic warrant study and traffic signal analysis.

**NO ACTION WAS TAKEN.**

**6. Discussion and Information:** Report by El Paso Water Utilities on the stormwater function(s) of properties to the north and south of Keystone Heritage Park.

Contact: Gonzalo Cedillos, El Paso Water Utilities, [gcedillos@epwu.org](mailto:gcedillos@epwu.org)

Mr. Cedillos gave a PowerPoint presentation and explained, per the Board Members request; he reviewed properties surrounding the Keystone Dam for stormwater purposes. He explained for the following:

- a. Lot 28 (4400 and 4420 Doniphan Dr.),
- b. Lot 44 (4360 Doniphan Dr.),
- c. Lot 45 (4400 Doniphan Dr.),
- d. Lot 54 (4500 Osborne),
- e. Lot 29 (141 Kappa Rd.),
- f. Lot 30 (221 Kappa Rd.),
- g. Lot 31 (201 Kappa Rd.),
- h. Lot 32 (I-10), and
- i. Lot 33 (161 Kappa Rd.)

1. There are no significant stormwater benefits from these high ground parcels.
2. Properties along Doniphan Dr. are commercial revenue producing high-cost real estate.
3. Flood control conversion of these properties is costly.
4. It is difficult to justify the acquisition of these properties for stormwater purposes.

Mr. Ardovino wondered if Staff would be looking into surface water becoming ground water.

Mr. Cedillos responded discussions of that nature would have to take place at upper level management. He explained the Stormwater Ordinance explains how stormwater funds will be utilized. He noted the ordinance language does not include ground water.

Ms. Cuellar suggested possibly amending the Stormwater Ordinance language to include ground water.

Chair Wakeem commented on Storm 2006 and flooding on Doniphan Drive.

Ms. Cuellar requested Board Members allow Staff to review the stormwater ordinance language. Staff will report back to the Board at the next OSAB meeting.

Mr. Valdez commented on the existing prioritized list of stormwater properties to be acquired and wondered where these proposed properties would fit in. He will take the Board Members' concerns and comments to his supervisors and report back to the Board in two weeks.

Mr. Addington commented on possibly decreasing property values on Doniphan Drive given the city will not allow the property owners to fully develop those sites, on-site ponding, etc. He asked Staff if a *spring* could be considered a stormwater function.

Mr. Cedillos responded we have already been through this exercise; however, it has not been defined. He would discuss the matter with his supervisors.

No further questions or comments from the audience.



7. **Discussion and Action** regarding the Open Space Master Plan to identify and prioritize sites for acquisition that qualify for stormwater funding, to identify and prioritize sites that do not qualify for stormwater funding, and to identify sites that should be removed from the Open Spacer Master Plan. Contact: Charlie Wakeem, [charliewakeem@sbcglobal.net](mailto:charliewakeem@sbcglobal.net)

#### Revised Priority List

Chair Wakeem made a list of the prioritized projects in the Open Space Master Plan. (copies distributed to Board and members of the audience) He explained the Open Space Master Plan priority list is more than five years old; some properties have been developed, some properties could be moved up higher on the list, and some properties should be removed from the list. *Due to the amount of work involved, Chair Wakeem suggested creating a sub-committee to work with Staff on this.*

Ms. Cuellar explained once Board Members decide on making changes to the list; the Board will then submit an amendment to the ordinance to City Council. She noted the impact of reprioritizing the list is minimal; the real issues are City Council understanding what is in the Master Plan and having the funds, if not stormwater funding, to purchase the properties.

#### East Desert Greenbelts

Chair Wakeem understood the property is either currently being developed or has been sold to developers and is ready for platting.

#### Cement Lake

Chair Wakeem noted he received an email from Representative Byrd regarding item 14 on the list, Cement Lake, a low priority item. The reason Cement Lake is a low priority item is that Cemex indicated they need the lake water to keep the dust down in their quarry locations. Furthermore, Cemex indicated they had no intention of doing anything with the lake and would keep it natural. Now, however, Cemex has put the property up for sale.

Mr. Ardovino felt Cement Lake should be a priority for stormwater acquisition.

Chair Wakeem responded Mr. Ed Archuleta, Director, EPWU-PSB, was made aware of the situation and he is looking into the PSB acquiring the property. In a follow-up email from Representative Byrd, TxDOT is also interested in the property. Assuming EPWU-PSB purchases the property; issues such as accessing the property will be remedied.

Mr. von Finger asked should the EPWU-PSB purchase the property will the property be kept in its natural state.

Chair Wakeem responded Mr. Archuleta is looking into possibly purchasing the property.

Ms. Cuellar explained properties shown on the Open Space Master Plan priority list are already considered a priority. Any amendment to the Open Space Master Plan will have to come before City Council. There is nothing that precludes the Board from recommending that the city purchase Cement Lake.

Mr. Rudy Valdez requested clarification regarding the Open Space Master Plan priority list of properties and the list of properties for stormwater use. He wondered if there would be discussion on the list of properties for stormwater use, as well, or just the Open Space Master Plan list. He noted Cement Lake is number 6 on the stormwater use list of properties.

#### Lands for Completion of the Keystone Heritage Wetlands

Mr. von Finger noted Lands for Completion of the Keystone Heritage Wetlands is not listed on the list of properties to be purchased via stormwater funding. He felt that by defining *stormwater*, Lands for Completion of the Keystone Heritage Wetlands would then be elevated to a fairly high priority position for purchase.

#### Park Ponds

Mr. Valdez understood the city has acquired some funding for park ponds, as part of the stormwater. He explained a portion of the stormwater funds will be used for the park ponds.

In his opinion, Chair Wakeem stated, parks are not natural open space. He explained the city must also provide matching funds for park improvements. Due to recent the recent elections, he suggested the matter be postponed.

Chair Wakeem asked if any members of the public wished to comment. There were none.

No further questions or comments from the Board.

#### **MOTION:**

*Motion made by Mr. Ardovino, seconded by Mr. Thomas and UNANIMOUSLY CARRIED TO POSTPONE UNTIL AFTER JULY 1ST.*

#### **MOTION:**

*Motion made by Mr. Ardovino, seconded by Ms. Balin and UNANIMOUSLY CARRIED TO MAKE A RECOMMENDATION TO CITY COUNCIL THAT CEMENT LAKE BE MOVED TO THE HIGHEST PRIORITY ON THE OPEN SPACE MASTER PLAN PRIORITY LIST.*

8. **Discussion and Action:** Update on providing pedestrian access to designated state trailheads. Contact: Richard Garcia, (915) 541-4087, [garcia@elpasotexas.gov](mailto:garcia@elpasotexas.gov)

Mr. Garcia gave a PowerPoint presentation and distributed copies of the "Proposed State Trailheads" priority list, trailheads listed in High, Medium and Low Priority. Per the March 15<sup>th</sup> City Council agenda item approved by Council, "Discussion and action on a recommendation by the Open Space Advisory Board that the City Manager direct staff to coordinate with the necessary State agencies, Home Owner Associations, and if necessary, amend Title 19, to provide pedestrian access to designated state trailheads" he has met with Dr. Cesar Mendes, Superintendent of State Parks. He asked Dr. Mendes to provide him a trail map of existing

trailheads and requested Dr. Mendes prepare a trail map/list of future trailheads. Several meetings with Planning, Parks & Recreation and State Parks Staff and the OSAB sub-committee were held to discuss the map/list of future trailheads and issues associated with those trailheads. Staff and others recently visited the future trailheads and since revised the previous trailhead list. Mr. Garcia went down the list and made comments on each proposed trailhead

#### North Stanton @ 1000 Steps

Chair Wakeem understood North Stanton @ 1000 Steps was moved from the Medium Priority to the High Priority list, for a total of seven High Priority Proposed State Trailheads.

#### Redd Road & Helen of Troy

Chair Wakeem noted, with the EPWU-PSB's approval, the Borderland Mountain Bike Association will donate monies for trees and parking lot improvements for public use.

#### Iron Rangers and Sign In Sheets

Chair Wakeem explained State statute requires anyone hiking/biking in the State Park must pay a fee.

Mr. Thomas stated it is important to sign in, as well as pay the fee; for State Park official's documentation.

Ms. Balin added individuals may purchase annual passes.

#### Accessing the Trailheads

Mr. Garcia noted Representative O'Rourke requested every subdivision, adjacent the State Park, provide easy access for individuals to the State Park.

Chair Wakeem explained every trailhead has a trail; additionally, Texas Parks and Wildlife has approved each trail.

#### MOU's and the EPWU-PSB

Mr. Ardovino wondered if there would be issues regarding the MOUs and the PSB.

The next step, Mr. Garcia explained will be to discuss not blocking access to the potential trailheads and other issues with property owners, to include the EPWU-PSB, as requested by Representative Carl Robinson. Mr. Garcia will be scheduling a meeting with Mr. Archuleta, Director, EPWU-PSB, and Staff, Mr. Justin Chapman, Hunt Companies, etc.

Mr. Rudy Valdez was unsure whether or not the EPWU-PSB had any issues/concerns regarding the MOUs.



#### Public Comment

Ms. Katrina M. Martich, P.E., CPESC, citizen, commented on the Chuck Heinrich Park site and an ongoing investigation, future investigation study and possible legal action. She explained it is the property owner's responsibility to notify users of any potential risk. She recommended any signage make the public aware and protect the city. She could provide information to anyone interested.

Chair Wakeem suggested Ms. Martich pass along any information she may have to city Staff.

No further questions or comments from the Board.

#### **MOTION:**

*Motion made by Mr. von Finger, seconded by Mr. Thomas and UNANIMOUSLY CARRIED TO RECOMMEND THIS LIST WITH THE TOP SEVEN PRIORITIZED.*

#### **9. Discussion and Action: Mitigation bank subcommittee.**

Contact: Alan Shubert, (915) 541-4423, [shubertar@elpasotexas.gov](mailto:shubertar@elpasotexas.gov)

Chair Wakeem explained he asked Ms. Balin, Mr. von Finger and Mr. Tolbert to be the subcommittee members; additionally, he has asked Ms. Katrina Martich and Ms. Janea Renault to be the expert subcommittee members.

Ms. Yvonne Curry explained she met with Mr. Shubert last year encouraging him to pursue mitigation banking. She has also met with U.S. Army Corps of Engineers.

Chair Wakeem requested Ms. Curry be a member of the subcommittee. Per the OSAB Ordinance on subcommittees only Open Space Advisory Board Members can vote; however, non-board members will serve as ex-officio members. The Mitigation Bank subcommittee will meet Wednesday afternoons, opposite OSAB meetings. Chair Wakeem requested subcommittee meetings begin next Wednesday, 1:30 p.m., location to be determined by Staff. Please leave your email address with Mr. Dallo.

Ms. Curry agreed to be a member of the subcommittee.

**NO ACTION WAS TAKEN.**

#### **10. Discussion and Action on an Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of The Plan for El Paso and its related documents as originally approved by El Paso City Council in 1999, and as subsequently amended, to delete a proposed east-west collector arterial from Gem Street to Western Skies Drive, delete a portion of a proposed east-west minor arterial from Remcon Circle to the proposed extension of Belvidere Street to connect from Mesa Street to Resler Drive.**

Staff Contact: Melissa Granado, (915) 541-4730, [granadom@elpasotexas.gov](mailto:granadom@elpasotexas.gov)

Ms. Granado gave a PowerPoint presentation regarding amending the 2025 Proposed Thoroughfare System as follows:

1. Delete a proposed east-west collector arterial from Gem Street to Western Skies Drive;
2. Delete a portion of a proposed east-west minor arterial from Remcon Circle to the proposed extension of Belvidere Street; and
3. Realign the east-west minor arterial and the proposed extension of Belvidere Street to connect from Mesa Street to Resler Drive

Ms. Granado explained the collector arterials are proposed at a 64' right-of-way without bike lanes or a 72' right-of-way with bike lanes. The minor arterial is proposed at 76' right-of-way without bike lanes and an 84' right-of-way with bike lanes. The current code requires a minimum 54' right-of-way for collector arterials and a 76' right-of-way for minor arterials. Documentation submitted by the applicant shows a proposed thoroughfare that varies from a 54' right-of-way to a 92' right-of-way. The proposed uses for the development include multi-family housing and commercial uses. At the Transportation group meeting, TxDOT was concerned about the intersection of the proposed minor arterial with Resler Drive. TxDOT agreed with maintaining the connectivity between Gem Street and Western Skies Drive to mitigate some of the traffic to flow to the northern part of Resler Drive.

*Planning recommends approval of the amendment to the Major Thoroughfare Plan to delete the portion that is the proposed east-west collector arterial from Remcon Circle to the proposed extension of Belvidere Street; to realign the east-west minor arterial; to align the portion of the proposed extension of Belvidere to follow Desert Pass.*

**HOWEVER, BASED ON INFORMATION RECEIVED, PLANNING RECOMMENDS RETAINING THE PROPOSED EAST-WEST COLLECTOR FROM GEM STREET TO WESTERN SKIES DRIVE TO PROVIDE ADDITION INGRESS-EGRESS POINTS FOR THE PROPOSED DEVELOPMENT, LESSEN POSSIBLE CONGESTION AT RESLER DRIVE AND TO IMPROVE CONNECTIVITY WHILE PROTECTING THE DESIGNATED FLOW PATH.**

Chair Wakeem explained he had spoken with the developer who had wanted the arroyo to be left in its natural state; however, Engineering asked that the arroyo be concrete lined.

Ms. Curry explained the portions of the arroyo that will be left natural and the portions that would be concrete lined. Additionally, water will flow freely under the Interstate to Keystone Dam.

Mr. Conde noted he had no issues regarding Staff recommendations on the mention of Western Skies; however, the owners of this property do not own the property all the way up to the dead-end of Western Skies, there is a 300 foot gap.

Chair Wakeem asked if any members of the public wished to comment. There were none.

No further questions or comments from the Board.

**MOTION:**

*Motion made by Mr. von Finger, seconded by Ms. Balin and CARRIED TO APPROVE WITH STAFF RECOMMENDATION.*

**AYES:** Ms. Balin and Messrs. Wakeem, Thomas, and von Finger

**NAYS:** Messrs. Tolbert, Addington, and Ardovino

Motion passed. (4-3)

**11. Discussion and Action:** Items for Future Agendas

Mr. von Finger requested:

1. Discussion and action on stormwater open space funding, priorities, and locations for park ponds.
2. Determination of whether or not stormwater funding can be used to handle underground water that becomes surface water.

Mr. Tolbert commented on blasting the mountain for rock to build rock wall fences. He would like to discuss limiting the amount of rock and possibilities of using material(s) other than rock for fencing.

Staff will research and provide information to the Board at a future OSAB meeting in four weeks.

**12. Adjournment**

**MOTION:**

*Motion made by Mr. von Finger, seconded by Mr. Thomas AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 3:42 P.M.*

Minutes prepared by Donna Martinez





## *City of El Paso – City Plan Commission Staff Report*

**Case No:** SUSU11-00048 Kern View Estates Unit Two  
**Application Type:** Resubdivision Combination  
**CPC Hearing Date:** June 30, 2011  
**Staff Planner:** Raul Garcia, (915)541-4935, [garcia1@elpasotexas.gov](mailto:garcia1@elpasotexas.gov)  
**Location:** East of Stanton Street and North of San Mateo Lane  
**Legal Description Acreage:** 15.56 acres  
**Rep District:** 1  
**Existing Use:** Vacant  
**Existing Zoning:** P-RI/c (Planned Residential/condition) & R-3 (Residential)  
**Proposed Zoning:** P-RI/c (Planned Residential/condition) & R-3 (Residential)  
**Nearest School:** Mesita Elementary (0.81 mile)  
**Nearest Park:** Alethea Park (0.44 mile)  
**Parkland Fees Required:** \$34,250  
**Impact Fee Area:** This property is not in impact fee area and is not subject to impact fees.  
**Property Owner:** Piedmont Group, L.L.C.  
**Applicant:** Piedmont Group, L.L.C.  
**Representative:** CEA Group

### **SURROUNDING ZONING AND LAND USE**

**North:** PMD (Planned Mountain Development)/ Vacant

**South:** R-3 (Residential)/ Single-family development

**East:** PR-I/sc (Planned Residential/special contract)/ Single-family development

**West:** R-3 (Residential)/ Single-family development

**THE PLAN FOR EL PASO DESIGNATION:** Residential

### **APPLICATION DESCRIPTION**

The applicant is proposing 25 single-family residential lots and 5.09 acres of private open space. The smallest lot measures 8,428 square feet and the largest measures 34,669 square feet in size. Primary access to the subdivision will be from Piedmont Drive. A 20-foot wide utility easement is also proposed to be vacated by the plat. The easement is located in the northwestern section of the plat and runs through Lots 15A, 15B, 16A, and 16B.

The applicant has been granted a vested rights petition in part making the development subject to the subdivision standards in effect prior to June 1, 2008. The applicant will be using one section from the new code, Section 19.08.010 in its entirety, allowing the applicant to design the water

and wastewater plans. The water and wastewater plans are part of the subdivision improvement plans that have been submitted by the applicant.

The property is subject to a list of conditions contained in Ordinance #11247 approved on December 8, 1992. For the list of conditions, please see "Attachment 7". All conditions relating to the platting process have been complied with.

The eastern portion of the property is located within the Mountain Development Area (MDA) and the applicant has submitted the required reports in accordance with Section 19.20.040 *Reports required* of the former subdivision code.

The applicant is requesting that the following, previously approved, modifications be upheld:

1. A modification to allow for a 44' ROW cross-section including 5-foot sidewalks abutting the curb and 5-foot parkways.
2. A modification to allow for a 24' ROW allowing no sidewalks and 20' of pavement.
3. To allow for 14 parking spaces within the eyebrow and cul-de-sac in order to comply with the condition set forth by the City Plan Commission.

The applicant is proposing a cul-de-sac that is approximately 1,470 feet in length which exceeds the 750' maximum length for cul-de-sacs. Under Section 19.16.020.D(5) of the former code, Streets, *the maximum length of a cul-de-sac shall be 750 feet, except that a length of up to 2000 feet may be approved by the City Plan Commission provided that the applicant meet certain requirements.* This section provides for the city plan commission to grant the approval as part of their formal motion and does not require a modification request. Two of the requirements the applicant needs to meet is to fire sprinkler all lots in excess of 1000 feet and to provide intermediate turnarounds (eyebrows) to accommodate emergency vehicle access within the cul-de-sac, spaced at a maximum distance of seven hundred fifty feet apart. The applicant has placed a note on the plat stating all homes within the plat will be fire sprinklered and has provided the eyebrows spaced at a 750 feet apart.

As of the printing of this staff report, the Planning Division has not received any opposition or support for this development from the public.

#### **CASE HISTORY**

On July 30, 2009, the City Plan Commission approved Kern View Estates Unit Two on a Resubdivision Preliminary basis with the recommendation that the applicant provide a minimum of 10 guest parking spaces in the upper residential portion of the development and granting the following modifications:

1. A modification to allow for a 44' ROW cross-section including 5-foot sidewalks abutting the curb and 5-foot parkways.
2. A modification to allow for a 24' ROW allowing no sidewalks and 20' of pavement.

On September 23, 2010, the City Plan Commission approved Kern View Estates #2 on a Resubdivision Combination basis granting the following modifications:

1. A modification to allow for a 44' ROW cross-section including 5-foot sidewalks abutting the curb and 5-foot parkways.
2. A modification to allow for a 24' ROW allowing no sidewalks and 20' of pavement.
3. To allow for 14 parking spaces within the eyebrow and cul-de-sac in order to comply with the condition set forth by the City Plan Commission.

### **CURRENT REQUEST**

The previous approved plat expired as recording maps were never submitted; therefore, requiring the resubmittal of the current application. The current submittal reflects no changes from the previously approved plat.

### **DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommends **approval** of modifications requested based on reason 3 of 19.04.170.A.3 (The subdivider has demonstrated an alternative method of development that will improve the aesthetic value of the subdivision while giving equal emphasis to safety, economy, tax yield, maintenance cost, response time, drainage, vehicular access and pedestrian passage) and recommends **approval** of Kern View Estates Unit Two on a **Resubdivision Combination** basis subject to the following comments and conditions:

#### **Planning Division Recommendation:**

**Approval with modifications.** In this case the modifications will reduce the amount of cut into the mountain, which will increase the aesthetic value of the subdivision.

#### **Previous Open Space Advisory Board Recommendation:**

On September 16, 2010, the Open Space Advisory Board voted 4-1 to recommend approval of the subdivision and recommended that the water and wastewater system be constructed in accordance with El Paso Water Utility Standards.

#### **Engineering & Construction Management-Land Development:**

1. The proposed bubbler-up drainage structure shall not exceed more than three (3) feet in depth.
2. Provide print-out of the mathematical closure of the exterior boundary of the subdivision indicating the error of closure.

The Subdivision is within Flood Zone C-"Areas of minimal flooding" – Panel # 480214 0033B, dated October 15, 1982.

#### **El Paso Department of Transportation:**

The Department of Transportation had no objections to the proposed plat and does not object to the previously approved modifications. The following comments are provided:

1. The posted speed shall be 25 MPH on Piedmont per Section 19.20.030.E (Streets) of the previous version of Title 19. No parking shall be permitted along Piedmont per Sections 19.16.020.B.1.e (Mountain Residential Street). Signage shall be required on the subdivision improvement plans in accordance with 19.16.020.M (Signage), of the previous version of Title 19.
2. Road design shall comply with Geometric Design of Roadways of the Design Standards for construction that specifies values on vertical curvatures.
3. Profiles and "K" values on all streets shall be provided on the subdivision improvement plans.
4. Transportation recommends the developer or home owners association be responsible for the maintenance of the proposed common parking areas located on Piedmont. Please provide all applicable documentation; i.e., maintenance agreement and covenants, for review prior to the recording of the final plat.



**Parks and Recreation Department:**

We have reviewed **Kern View Estates #2**, a resubdivision combination plat map and offer Developer / Engineer the following comments:

Please note that this subdivision is zoned "P-R1" thus meeting the requirements for Residential Mix of Single-family, Two-family, & Multi-family Dwellings use restricted to a maximum of 7 dwelling units per acre, therefore, park fees will be assessed based on the following:

1. If gross density waiver is granted by the Planning Department or designee and covenants are provided restricting the number of dwelling units to one per residential lot, then applicant shall be required to pay "park fees" in the amount of **\$34,250.00**

Fees calculated as follows:

**25** Lots restricted to Single-family dwelling units per lot @ \$1,370.0 / dwelling = **\$34,250.00**

2. Failure of the subdivider to provide proof of gross density waiver with the filing of the final plat shall result in the following gross density rates hereby calculated being applied to this subdivision application, then, applicant shall be required to pay "park fees" in the amount of **\$73,440.00**

Fees calculated as follows:

Subdivision acreage 15.56 @ the maximum allowed of 7 units/acre = 108.92 Units 108 Units @ \$680.00 per Unit = **\$73,440.00**

Please allocate funds under Park Zone: **C-1**

Nearest Parks: **Alethea** & **Mission Hills**

If density/acreage is increased/decreased or the property zoning/use changes, then fees will be re-assessed based on applicable conditions.

**El Paso Water Utilities:**

No comments received.

**Stormwater:**

1. The EPWU Stormwater Utility has not received enough information to confirm the drainage system will function without frequent clogging of the proposed "bubbler" inlet.
2. EPWU requires that the Developer provide drivable access along *all* drainage easements, whether public or private, for operation and maintenance of stormwater infrastructure.
3. The preliminary plat shows private drainage easements and private stormwater infrastructure located within Lots 11A, 11B, 16A, and 16B. EPWU is concerned the individual lot owners may not be able to properly maintain the stormwater infrastructure due to the extremely steep easement slopes and lack of access.
4. The Developer shall not convey additional developed stormwater flow across private property without appropriate off-site drainage easements and drainage structures approved by the EPWU Stormwater Utility.

**El Paso Fire Department:**

No comments received.

**911**

No comments received.

**El Paso Electric Company**

No comments received.

**Texas Gas Company**

Texas Gas Service requires that all streets be public right-of-ways and have dedicated utility easements. Texas Gas Service has no objections to the proposed project limits.

**El Paso Independent School District**

No comments received.

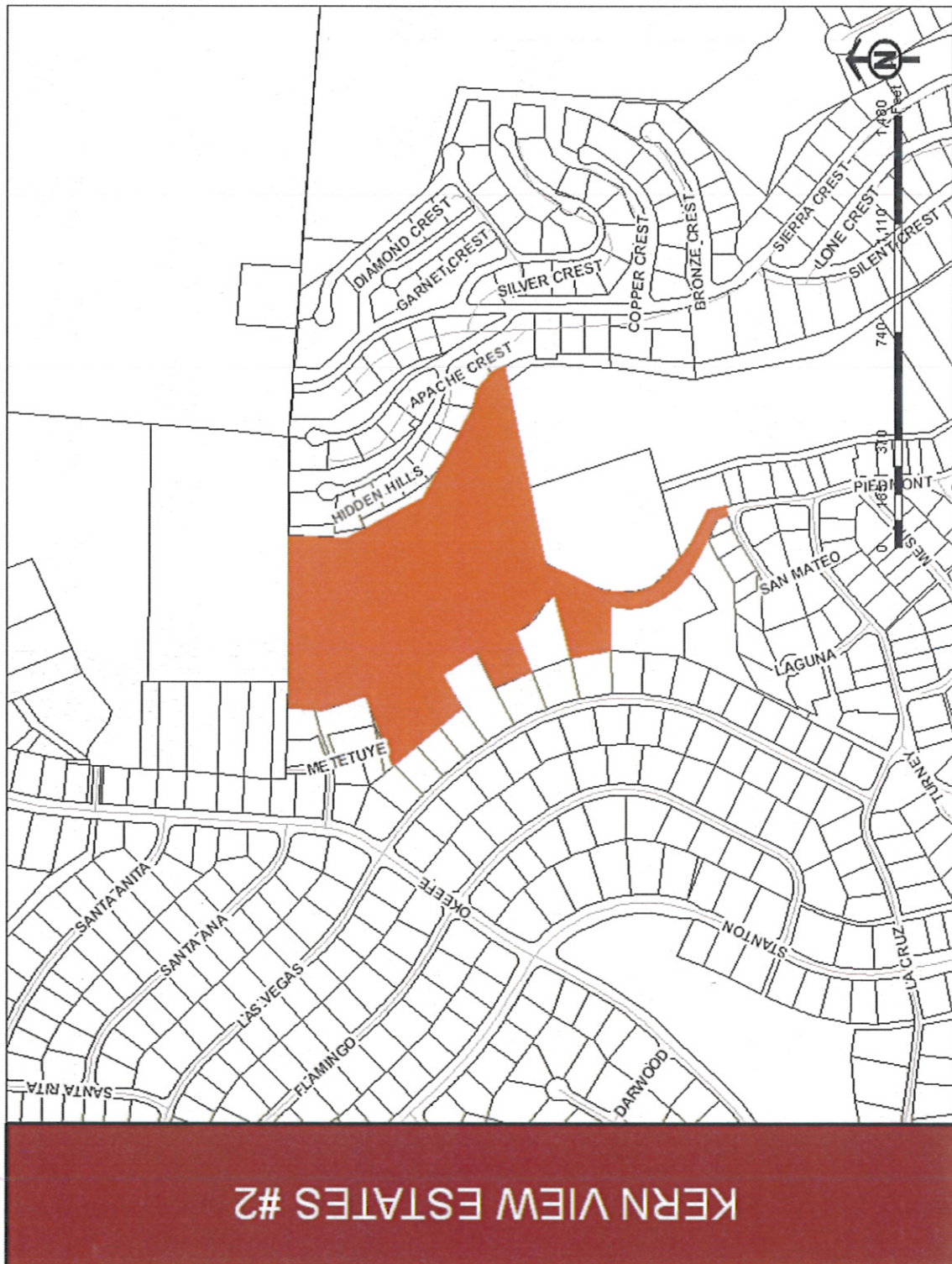
**Additional Requirements and General Comments:**

1. Submit to the Planning & Economic Development the following prior to recording of the subdivision.
  - a. Current certified tax certificate(s)
  - b. Current proof of ownership
  - c. Release of access document, if applicable
  - d. Set of restrictive covenants, if applicable
2. Every subdivision shall provide for postal delivery service. The subdivider shall coordinate the installation and construction with the United States Postal Service in determining the type of delivery service for the proposed subdivision. In all cases, the type and location of delivery service shall be subject to the approval of the United States Postal Service.

**Attachments**

1. Location Map
2. Aerial
3. Aerial zoom out
4. Arroyos zoom out
5. Arroyos
6. Preliminary plat
7. Final Plat
8. Modification Request
9. Ordinance #11247
10. Application

ATTACHMENT 1



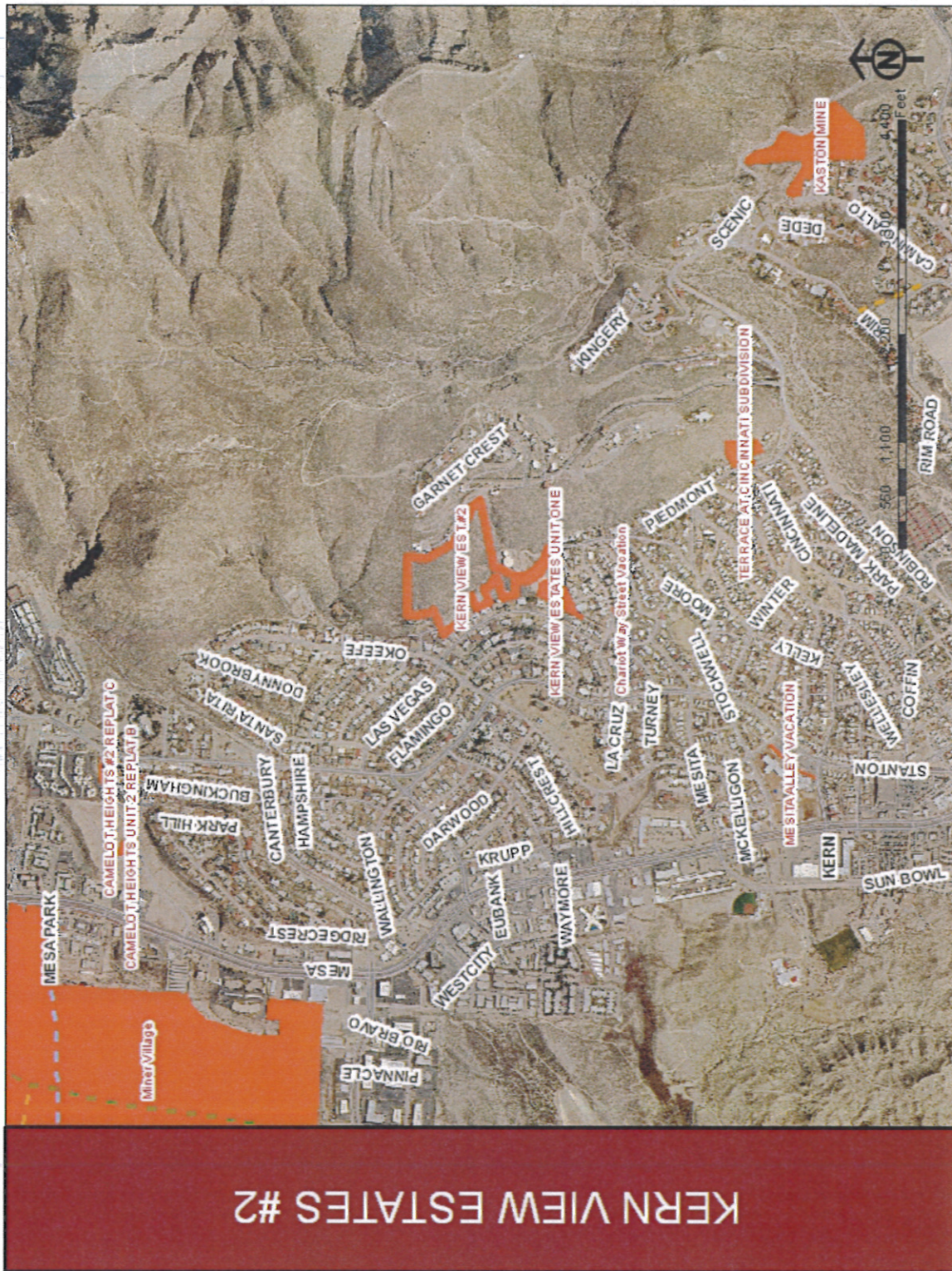


ATTACHMENT 2





**ATTACHMENT 3**





ATTACHMENT 4





ATTACHMENT 5









# ATTACHMENT 7





## ATTACHMENT 8



Castner Center @ Transmountain  
4712 Woodrow Bean, Ste. F  
El Paso, TX 79924  
Office: 915.544.5232  
Fax: 915.544.5233  
web: www.ceagroup.net

June 14, 2010

City of El Paso-Development Services  
Two Civic Center Plaza-5<sup>th</sup> Floor  
El Paso, Texas 79901

Attention: Mr. Eddie Garcia

Reference: Kern View Estates Unit Two-Modification Letter

Dear Mr. Garcia:

On behalf of the Developer for the above referenced development, we are requesting a modification to the street for Piedmont Drive in order to provide a street cross-section that reflects a mountain development roadway and for the reduced roadway to perform as a traffic calming device along with the parking circles, to provide enhancements to the development. This modification will include the following adjustments:

Modification No. 1: 24-foot Roadway

Reduction of the street right-of-way on Piedmont Drive. The portion of Piedmont Drive for this modification shall be from Lot 2, Block 1, to the cul-de-sac. The roadway cross-section will consist of 2-10 foot paved driving lanes with 6 to 8 inch curb and gutter on both sides of the roadway and no sidewalks. The total street right-of-way shall be 24-feet for this portion of Piedmont Drive.

Modification No. 2: 44-foot Roadway

Reduction of the street right-of-way on Piedmont Drive from its current terminus (near San Mateo Drive) to Lot 2, Block 1. The portion of Piedmont Drive for this modification shall consist of a roadway cross-section with 2-10 foot paved driving lanes with 6 to 8 inch curb and gutter on both sides of the roadway, 2-5 foot concrete sidewalks abutting the curb and 2-5 foot parkways. Within the parkways, retaining walls may be located within the street right-of-way.

Modification No. 3: Parking Spaces within Street Right-Away

There will be a total of 14 parking spaces within the eye brows and cul-de-sac to better accommodate the parking situation within the subdivision. These parking circles will also serve as traffic calming devices.

If you have any questions regarding this issue, please do not hesitate to call me at office number 915.544.5232 or mobile number 915.355.0583. We thank you for your cooperation on this issue and look forward to your favorable consideration to our request.

Sincerely,  
CEA Group

A handwritten signature in black ink, appearing to read "Jorge L. Azcarate".

Jorge L. Azcarate, P.E.  
Project Manager

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JLA/jia

engineers • architects • planners

## ATTACHEMENT 9

ORDINANCE NO. 011247

AN ORDINANCE CHANGING THE ZONING OF A  
PORTION OF M.J. MCKELLIGON SURVEY NO. 270  
AND IMPOSING CERTAIN CONDITIONS,  
THE PENALTY BEING AS PROVIDED IN SECTION  
20.68.010 OF THE EL PASO CITY CODE

WHEREAS, the Mountain Development Area (MDA) boundary was redefined by the City Council of El Paso in 1984 for the purpose of establishing control of grading and cut and fill operations in the Franklin mountain area of El Paso; and

WHEREAS, these controls were created for several purposes, including minimization of scarring of the natural character of the Franklin mountains; and

WHEREAS, the City Council on December 4, 1984 adopted the City's first mountain zoning classification, the Planned Mountain Development District (PMD); and

WHEREAS, this PMD district was created to provide an alternative approach to conventional flatland development by restricting density based on the slope of the terrain on the mountain; and

WHEREAS, much of the land within the MDA was rezoned to PMD district on January 6, 1986 to promote the City's objectives adopted for the MDA; and

WHEREAS, the City has received a request from Madero Development and Construction Company, Inc., and Chaparral Equity Corporation (hereinafter referred to as Applicants) to rezone a parcel of approximately 33.9 acres within the City's MDA from PMD district to Planned Residential I (PRI) district in order to achieve a greater allowable density, and

WHEREAS, Applicants have explicitly recognized, on the record of the public hearing, the City's valid interests and purposes in enacting both the MDA and the PMD classifications and have offered to restrict development of the property as the PMD ordinance would restrict them, with the exception of density; and

WHEREAS, Applicants have offered to achieve these results by placing several conditions on the property, which conditions are enumerated herein; and

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WHEREAS, Applicants have specifically stated their desire to deed certain property to the City, and have it taken off the tax rolls, so as to relieve them from the burdens of taxes, maintenance, and liability; and

WHEREAS, following discussion, Applicants have agreed to amend their request for rezoning to rezone only the approximately 10 northerly acres, as further described in Exhibit A, attached hereto, required for development of a density which the Applicants have represented will allow a reasonable economic use, and upon receipt of all necessary development permits Applicants have agreed to deed no less than twenty (20) acres of the original 33.9 acres, which acreage is further described in Exhibit B, attached hereto, to the City, as City Council at such a time might accept;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of 10 acres of M.J. McKelligon Survey No. 270, as further described by a metes and bounds description attached hereto as Exhibit "A" and incorporated herein, and hereinafter known as "Property", be changed from Planned Mountain Development District (PMD) to Planned Residential District I (PRI), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the Property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from PMD, in order to protect the health, safety and welfare of adjacent property owners and the residents of this city, and to protect the significant natural features of the mountain:

1. Any area not actually developed within the Property shall be dedicated as common, private, or public open space, as defined in the City of El Paso Zoning Code, on the subdivision plat, to remain in its natural state. These areas are also subject to paragraph 3 (c), below. The common open space may be developed with hiking trails or other recreational improvements, as shown on the detailed site development plan approved by City Council, but shall not be the location of any parking area or structure.

2. Density on the Property shall be limited to no more than 60 single-family attached dwellings or a 60 unit multi-family structure subject to a height restriction of thirty-five (35) feet, provided, however, that a multi-family structure may exceed the thirty-five (35) foot height restriction if the structure is developed in a stair-stepped design up the slope of the mountain, and where each floor level (or step) is no greater than thirty-five feet. In no case shall a free-standing, multi-level high-rise building be allowed on the Property.



3. The following development and design standards derived from the City's current PMD district shall be complied with on the property:

- a. Subdivision Plat. Buildings and structures shall be erected only on the Property where a plat or replat has been approved by the city plan commission, filed of record in accordance with City of El Paso Ordinance No. 7714, and which indicates compliance with the provisions of this paragraph 3. Each attached or detached single-family dwelling must be platted on an individual lot prior to issuance of occupancy permits.
- b. Detailed Site Development Plan. A detailed site development plan, (hereinafter, site plan) complying with all of the requirements of El Paso City Code Sections 20.04.140, 20.04.150, 20.04.170 and 20.04.180 is required for this Property. In addition, the site plan shall contain a description of what factors were taken into account with respect to aesthetics and the environment in the design of the proposed development. No building permit shall be issued until the site plan is approved by City Council. If the development is to be undertaken in a series of phases, a development schedule indicating phasing shall be submitted concurrently with the site plan required by El Paso City Code Sections 20.04.140, 20.04.150, 20.04.170 and 20.04.180.
- c. Common, Private or Public Open Space. The total amount and distribution of common, private or public open space within the Property shall be shown on the site plan and subdivision plat and shall be expressed as the percent of the site which will remain in its natural state. Satisfactory provisions for assuring continued retention of the common, private or public open space shall be provided in accordance with the procedures set forth in El Paso City Code Section 20.08.350.
- d. Perimeter Treatment. The perimeter treatment of any development shall be designed to insure compatibility with the adjacent existing or potential development by provision of compatible land uses and structures. A minimum setback of ten feet of separation for each story or fraction thereof shall be maintained between any structure and the outside boundary of any development.
- e. Private Streets. Where authorized by the City Plan Commission in approving a subdivision plat, streets on the Property may be privately owned.
- f. Preservation of the Environment. In any development, existing vegetation, animal life, arroyos, floodprone

areas, steep slopes, and other natural features of the Property shall be considered in the planning, design and layout of buildings, service areas and location of streets in the allocation of open spaces to preserve the natural environment. This section shall not be construed or applied to limit or restrict the number of dwelling units.

- g. Right-of-Way and Pavement Widths. The right-of-way and pavement widths for internal ways, streets and alleys within and adjacent to any development shall be:
  - (i) Determined from the standards contained in City of El Paso Subdivision Ordinance No. 7714 and any applicable ordinance governing private streets;
  - (ii) In conformity with the estimated needs of the entire development and the traffic to be generated thereby;
  - (iii) Adequate and sufficient in size, location and design to accommodate the maximum traffic, parking, loading needs and the access for firefighting equipment vehicles while preventing undue scarring and grading.
- h. Off-street Parking and Loading. The minimum requirements for off-street parking and loading in City of El Paso Code Chapter 20.64. shall be complied with.
- i. Utilities and Public Services. Any development on the Property shall be adequately served by essential utilities and public services such as water, sanitary sewer, storm drainage, police, fire and other similar services.
- j. Property Grading Standards. Grading must be in accordance with Chapter 18.44 of the El Paso City Code (grading ordinance).
- k. Work Standards for Construction.
  - (i) All utility service facilities, except for transmission or feeder lines, shall be placed underground and wherever practical shall lie within the street right-of-way. For purposes of this standard, a transmission line shall mean an overhead electric pole line capable of carrying two thousand four hundred volts or

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more but less than sixty-nine thousand volts used to serve underground distribution.

- (ii) Disturbed soil surfaces shall be stabilized by compaction and revegetation where practical to minimize blowing dust, landslides, falling rocks, debris and excessive water runoff.
- (iii) Any person performing grading or excavation operations shall take precautions to minimize erosion, protect any waterways or arroyos and other natural features and to protect the health, safety and welfare of persons and public and private property from damage.
- (iv) All developers or property owners shall be responsible for storage and hauling of loose dirt, debris, etc., resulting from any development to an approved location for disposal.
- (v) The drainage plan, prepared by a professional engineer registered in the state, which takes into consideration the health, safety and general welfare of all persons and property within and adjacent to the development, adjacent arroyos, channels and any other collections systems which lie between the proposed development and approved drainage collection basins, shall be carried out as required by the subdivision ordinance.
- (vi) Sand and gravel extraction, borrow pits, quarrying, rock crushing and any other processing of earthen material is expressly prohibited, except that a borrow pit may be permitted when used to develop and improve the property in accordance with an approved site plan. After development is complete, any borrow pit shall be made to appear as natural terrain to the extent reasonably practicable through the use of landscaping and other means.

1. Environmental Assessment.

a. To ascertain how a proposed development will affect the site and adjacent areas, an environmental assessment may be required by the city plan commission and approved by city council in conjunction with the subdivision plat required by paragraph 3(a), above. The assessment shall be prepared in accordance with the environmental guide published by the department of planning,



research and development of the city on March 24, 1983, and as may subsequently be revised.

b. If the city council finds, after a recommendation of the city plan commission and the El Paso mountain committee, that there is evidence of an adverse effect upon the environment as expressed in the environmental assessment or as determined at the public hearing, the city council may approve specific modifications to the site plan which lessen or eliminate the adverse effects.

m. Completion of Public Improvements. All public improvements required by these regulations shall be completely installed and constructed by the owner, or his successors in title, within the area covered by the plat within a maximum time period of three years from the recording of the approved plat. All public improvements shall conform with the current subdivision improvement design standards. At the request of the owner, the city plan commission may grant time extensions for completion of public improvements in accordance with the City of El Paso Subdivision Code.

4. No blasting shall occur on the Property. Further, no rock-fracturing techniques which cause shock waves substantially the same as are caused by explosive blasting shall be used on the Property. Conventional heavy earth-moving equipment and conventional rock-fracturing equipment, such as jackhammers, shall be permitted in accordance with paragraph 6, below.

5. A subdivision plat for the Property shall be filed prior to the issuance of any building permit.

6. Owner shall not use any construction equipment on the Property, including, but not limited to, jackhammers and earth-moving equipment, between the hours of 6:00 p.m. and 6:00 a.m. Monday through Friday and between the hours of 6:00 p.m. and 8:00 a.m. on Saturday and Sunday.

7. Prior to the issuance of any grading permit authorizing any grading or development work on the Property, Owner shall execute a dedication deed, by which Owner dedicates as a City park and transfers to the City of El Paso, in fee simple, all of Owner's right, title and interest in the remaining land of not less than 20 acres, a metes and bounds description of which is attached hereto as Exhibit "B" and made a part hereof, in a natural and undisturbed condition, such as that land appears on the date of the passage and approval of this Ordinance. This dedication deed shall be delivered to the City Council, at a public, open meeting of City Council, and simultaneously with the acceptance of such deed, the City Engineer shall deliver to Owner the grading permit which has been approved by the City Council and issued by the City Engineer.

8. a. Owner shall encumber the Property with restrictive covenants, recorded in the Real Property Records of El Paso, El Paso County, Texas, which shall contain, among any other provisions, the conditions in paragraphs 1 through 7, above, and a provision for ownership of the common, private or public open space as specified in El Paso City Code Section 20.18.030. The City of El Paso shall be a party to those covenants, and shall have the power to take legal and equitable actions to enforce those covenants.

b. Any amendments or changes to the conditions in this ordinance, whether by ordinance or amendment to the restrictive covenants, shall require the consent of a majority of the City Council, with the exception that, where 20 percent or more of owners of land or lots within 200 feet of the Property protest any change in writing, a three-quarters vote of City Council shall be required.

All of the conditions stated in paragraphs 1 through 8 above, compliance with which are necessary to make the zoning appropriate, shall run with the land, are a charge and servitude thereon, and shall bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning change granted herein, or by any other legal or equitable remedy.

PASSED AND APPROVED this 8th day of December, 1992.

ATTEST:

Carol Hunter  
City Clerk

APPROVED AS TO FORM:

Kimberly Mickel  
Assistant City Attorney

THE CITY OF EL PASO:

Will C. Long  
MAYOR

I certify that the zoning map has been revised,  
reflects the amendment of ordinance #011247  
By R. Gonzales Date 3-23-93  
APPROVED AS TO CONTENT:

Patricia D. Garcia  
Department of Planning

I CERTIFY THAT THE FOLLOWING ZONING MAPS  
HAVE BEEN REVISED: J.R.  
3-23-93 COUNTER  
3-23-93 ORIGIN  
3-23-93 Field Inspection  
7-8-93 CONTROL R. Gonzales

011247

STATE OF TEXAS       )  
                          )  
COUNTY OF EL PASO    )

ACKNOWLEDGMENT

The foregoing instrument was acknowledged to before me by  
WILLIAM S. TILNEY, as Mayor of the CITY OF EL PASO, this the  
\_\_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
Notary Public

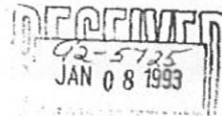
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Notary's printed name

\_\_\_\_\_  
Notary's commission expires

A:McKellig.KM3

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# ATTACHMENT 10



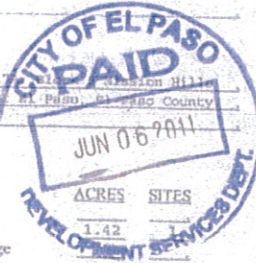
## CITY PLAN COMMISSION APPLICATION FOR RESUBDIVISION COMBINATION APPROVAL

DATE: \_\_\_\_\_ FILE NO. SUSU11-00048

SUBDIVISION NAME: Rain View Estates Unit Two

1. Legal description for the area included on this plat (Tract, Block, Grant, etc.)  
Being a replat of lots 11A, 12A, 15A, 16A, and a portion of 17A, Block 1, Division 111, Addition and Tracts 4B & 4D, N.W. Kellison Survey 270, City of El Paso, El Paso County, Texas.
2. Property Land Uses:
 

	ACRES	SITES		ACRES	SITES
Single-family	<u>14.14</u>	<u>25</u>	Office		
Duplex			Street & Alley		
Apartment			Ponding & Drainage	<u>1.42</u>	<u>1</u>
Mobile Home			Institutional		
P.U.D.			Other (specify below)		
Park					
School					
Commercial			Total No. Sites		<u>26</u>
Industrial			Total (Gross) Acreage		<u>15.56</u>
3. What is existing zoning of the above described property? P-R1 Proposed zoning? P-R1
4. Will the residential sites, as proposed, permit development in full compliance with all zoning requirements of the existing residential zone(s)? Yes X No \_\_\_\_\_
5. What type of utility easements are proposed: Underground \_\_\_\_\_ Overhead \_\_\_\_\_ Combination of Both X
6. What type of drainage is proposed? (If applicable, list more than one)  
Surface Flow to Inlets
7. Are special public improvements proposed in connection with development? Yes \_\_\_\_\_ No X
8. Is a modification or exception of any portion of the Subdivision Ordinance proposed? Yes X No X  
If answer is "Yes", please explain the nature of the modification or exception See attached letter
9. Remarks and/or explanation of special circumstances: N/A
10. Improvement Plans submitted? Yes \_\_\_\_\_ No X
11. Will the proposed subdivision require the city to review and decide whether this application is subject to the standards in effect prior to the effective date of the current applicable standards? Yes X No \_\_\_\_\_  
If yes, please submit a vested rights petition in accordance with Section 19.47- Vested Rights (See Attached).




12. Owner of record Piedmont Group LLC., 3650 George Dieter, El Paso, Texas 79936 915-857-7653  
(Name & Address) (Zip) (Phone)

13. Developer Piedmont Group LLC., 3650 George Dieter, El Paso, Texas 79936 915-857-7653  
(Name & Address) (Zip) (Phone)

14. Engineer CEA Group 1712 Woodrow Bean Ste. F, El Paso, Texas 79924 915-544-5212  
(Name & Address) (Zip) (Phone)

CASHIER'S VALIDATION  
FEE: \$1,083.00

OWNER SIGNATURE: 

REPRESENTATIVE: RAMSEY A. ESPARTE

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.